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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,899

04/19/2006

Toni Paila

886A.0023.U1(US)

6105

29683 7590 05/28/2008  
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EXAMINER

BATISTA, MARCOS

ART UNIT

PAPER NUMBER

4134

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,899	<b>Applicant(s)</b> PAILA ET AL.	
	<b>Examiner</b> MARCOS BATISTA	<b>Art Unit</b> 4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/14/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/19/2006, 03/11/2008</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species II (claims 1-20) in the reply filed on 04/14/2008 is acknowledged.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gubbi et al. (US 6865609 B1), hereafter "Gubbi," in view of Terry et al. (US 20030086381 A1), hereafter "Terry."

Consider claim 1, Gubbi discloses a receiver terminal (**16**) adapted for operating in a system in which plural service components of a service are datacast sequentially within a burst (**see fig. 2, col. 3 lines 23-27**), the terminal (**16**) being arranged to detect which of the service components are required to be received (**see col. 11 lines 55-60**), and to enable a receiver in the terminal to receive signals at one or more times in a burst period corresponding to the required service components (**see col. 11 lines 62-67 and col. 12 line 1 - the receiver is enabled by default so that it can receive signal from server 12**).

Gubbi discloses the invention as claim 1 above, but does not particular refer to disabling the receiver for substantially the remainder of the burst period.

Terry, in analogous art, teaches disabling the receiver for substantially the remainder of the burst period (**see fig. 5, pars. 0010 and 0038**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Gubbi and have it include disabling the receiver for substantially the remainder of the burst period, as taught by Terry. The motivation would have been in order to minimize power consumption (**see par. 0010**).

Consider claim 2, Gubbi as modified by Terry teaches claim 1, Gubbi also teaches in which the terminal is arranged to enable and disable the receiver on the basis of received timing information identifying the timing of transmission of service components (see fig. 8, col. 18 lines 64-67 and col. 19 lines 1-4 - the receiver consumes data stream, which means it receives data components in a given time. And the receiver connects and disconnects as needed in the data stream).

Consider claim 3, Gubbi as modified by Terry teaches claim 1, Gubbi also teaches in which the terminal is arranged to detect which of the service components are required to be received on the basis of a comparison of receiver capability information and received service component data type information (see col. 11 lines 55-66).

Consider claim 4, Gubbi as modified by Terry teaches claim 1, Gubbi also teaches in which the terminal is arranged to source the received service component data type information on the basis of a received service component identifier (see fig. 4, col. 11 lines 33-35 and 41-49).

Consider claim 5, Gubbi as modified by Terry teaches claim 1, Gubbi also teaches in which the terminal is arranged to detect which of the service components are required to be received on the basis of a comparison of receiver classification information and received service component classification information (see col. 11 lines 52-60).

Consider claim 6, Gubbi as modified by Terry teaches claim 5, Gubbi also teaches in which the terminal is arranged to source the received service component classification information on the basis of a received service component identifier (see fig. 4, col. 11 lines 33-35 and 41-49).

Consider claim 7, Gubbi as modified by Terry teaches claim 5, Gubbi also teaches in which the receiver classification information is determined by a setting of the terminal (see col. 11 lines 62-67 and col. 12 line 1).

Consider claim 8, Gubbi as modified by Terry teaches claim 7, Gubbi also teaches in which the classification setting is automatically adjustable in dependence on one or more terminal parameters (see col. 11 lines 62-67 and col. 12 line 1).

Consider claim 9, Gubbi as modified by Terry teaches claim 1, Gubbi also teaches in which the terminal is arranged to notify characteristics of the terminal to a remote station (see fig.1 col. 2 lines 40-48).

Consider claim 10, Gubbi as modified by Terry teaches claim 1, Gubbi also teaches in which the terminal is arranged to notify a service being consumed to the remote station (see col. 19 lines 26-30).

Consider claims 11-20, these are method claims corresponding to apparatus claims 1-10. Therefore, they have been analyzed and rejected based upon the apparatus claims 1-10 respectively.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lun-Yi Lao can be reached at (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Marcos Batista*  
/M. B./  
05/13/2008

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/LUN-YI LAO/  
Supervisory Patent Examiner, Art Unit 4134